

PATENT
Attorney Docket No. BSC-162

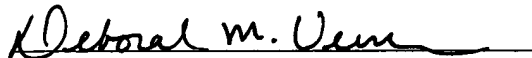
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Barron et al.
SERIAL NO.: 09/804,498 GROUP NO.: 3731
FILING DATE: March 12, 2001 EXAMINER: Davis, D.
TITLE: Bone Anchor Protective Cover

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, Washington, DC 20231 on this 25th day of September, 2002.


Deborah M. Vernon

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith is/are:

1. Transmittal Form (1 pg.);
2. Supplemental Information Disclosure Statement (2 pgs.);
3. PTO Form 1449 (1 pg.);
4. Cited references B1 and C1; and
5. A return receipt postcard.

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TRANSMITTAL FORM

Application Serial Number	09/804,498
Filing Date	March 12, 2001
First Named Inventor	Barron
Group Art Unit	3731
Examiner Name	Davis, Daniel J.
Attorney Docket No.	BSC-162
Patent No.	Not applicable
Issue Date	Not applicable



ENCLOSURES (check all that apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Check Attached
<input type="checkbox"/> Copy of Fee Transmittal Form

<input type="checkbox"/> Amendment/Response
<input type="checkbox"/> Preliminary
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____]

<input type="checkbox"/> Petition for Extension of Time

<input checked="" type="checkbox"/> Supplemental Information Disclosure Statement
<input checked="" type="checkbox"/> Form PTO-1449
<input checked="" type="checkbox"/> Copies of IDS Citations

<input type="checkbox"/> Certified Copy of Priority Document(s)

<input type="checkbox"/> Sequence Listing submission
<input type="checkbox"/> Paper Copy/CD
<input type="checkbox"/> Computer Readable Copy
<input type="checkbox"/> Statement verifying identity of above | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553)

<input type="checkbox"/> Formal Drawing(s)

<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal

<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)

<input type="checkbox"/> Terminal Disclaimer

<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application

<input type="checkbox"/> Small Entity Statement

<input type="checkbox"/> CD(s) for large table or computer program

<input type="checkbox"/> Amendment After Allowance

<input type="checkbox"/> Request for Certificate of Correction
<input type="checkbox"/> Certificate of Correction (in duplicate) | <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences

<input type="checkbox"/> Appeal Brief (in triplicate)

<input type="checkbox"/> Status Inquiry

<input checked="" type="checkbox"/> Return Receipt Postcard

<input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8

<input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8

<input type="checkbox"/> Additional Enclosure(s) (please identify below) |
|--|--|---|

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CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator
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SIGNATURE BLOCK

Respectfully submitted,

 Date: September 25, 2002
 Reg. No. 33,497
 Tel. No.: (617) 310-8108
 Fax No.: (617) 248-7100
 Steven J. Frank
 Attorney for Applicant(s)
 Testa, Hurwitz & Thibault, LLP
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 125 High Street
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Attorney Docket No. BSC-162

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Barron et al.
SERIAL NO.: 09/804,498 GROUP NO.: 3731
FILING DATE: March 12, 2001 EXAMINER: Davis, D.
TITLE: BONE ANCHOR PROTECTIVE COVER

Assistant Commissioner for Patents
Washington, D.C. 20231

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patent and publication listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Reference B1 was identified in the International Search Report as a document considered relevant. A copy of the International Search Report has been included. A copy of the patent listed on the accompanying FORM PTO-1449 is also enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☐ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- ☒ (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- ☒ the requisite Statement is below, **OR**
- ☐ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or

- ☐ (3) after the mailing date of a **final action** or **notice of allowance** but before the payment of the **issue fee**, **AND**
- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

STATEMENT

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:

- ☒ 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- ☐ 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

Respectfully submitted,



Steven J. Frank
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Testa, Hurwitz, & Thibeault, LLP
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125 High Street
Boston, Massachusetts 02110

Date: September 25, 2002
Reg. No.: 33,497

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